



**UNITED STATES PATENT AND TRADEMARK OFFICE**

1651  
919.1002  
**RECEIVED**

JAN 30 2003

TECH CENTER 1600/2900

Re: Application of: Amos NUSSINOVITCH, et al.  
Serial No.: 09/856,423  
Filed: May 21, 2001  
For: **HYDROCOLLOID COATING OF CELLS**

**RESPONSE TO RESTRICTION REQUIREMENT**

#9  
Jg  
2/6/03

Assistant Commissioner of Patents  
Washington, D.C. 20231

January 17, 2003

Sir:

Applicant, in response to the restriction requirement set forth in the Office Action dated December 17, 2002, elects with traverse to further prosecute in this case the claims of Group I, namely, claims 1-10, 13 and 14 drawn to a method of coating a cell with a thin coating of hydrocolloid.

This election is made without prejudice to filing a divisional application directed to the subject matter of the non-elected claims of Groups II-III, namely, claims 12 and 15-20.

I hereby certify that this correspondence and/or fee is  
being deposited with the U.S. Postal Service as first class mail  
in an envelope addressed to "Assistant Commissioner for Patents,  
Washington, D.C. 20231" on January 17, 2003.  
STEINBERG & RASKIN, P.C.

By: 

The Examiner states in the Office Action that the inventions of Group I, II and III are distinct from each other and requires restriction to one of the inventions. The Applicant respectfully traverses this restriction by the Examiner. Additionally, in this regard Applicant has made a provisional election of Group I.

The Examiner states that the inventions of Groups I, II and III can each be carried out separately using different steps to provide a different result. The Examiner also stated that the inventions are distinct because the method of coating a cell (Group I) does not have to be carried out in a method of postponing hatching as required by the method of Group II, and coating in the method of Group II can be performed other than as required by the method of Group I.

The inventions of Groups I, II and III are not independent and distinct and are only obvious variations of the same invention. The one invention is the coating of an animal cell by hydrocolloid (gum) coatings. The remaining subject matter is only consequences or results of this one invention. Moreover, it is submitted that it is not possible to postpone hatching of embryos without coating. Thus, Group II is not standing by itself.

Additionally, the Examiner states on page 3 of the Office Action that the coated cell of Group III can be produced by a method other than required by the methods of Groups I and II since the thin coating on the coated cell of Group III does not have to be cross-linked. The hydrocolloid may be applied to the cell by immersing, spraying, or other ways. However, Applicant submits that in the present invention, after the application of the fluid, the cell is covered with a very thin layer of hydrocolloid (gum) that later can be cross-linked. In all cases there is cross linking of the polymer to get the coated cell. Therefore, Group III does not stand alone and the coated cell of Group III does have to be cross-linked.


Accordingly, Applicant requests reconsideration and withdrawal of the requirement for restriction.


It is believed that this response is timely. However if this response is not timely then this should be considered a petition for extension of time and the Patent and Trademark Office is hereby authorized to charge any required fee to Deposit Account No. 50-0518 in the name of

Respectfully submitted,

STEINBERG & RASKIN, P.C.

By:

  
Paul J. Higgins  
Reg. No. 44,152

  
Keith Moore

Res. No. 44951

STEINBERG & RASKIN, P.C.  
1140 Avenue of the Americas  
New York, New York 10036  
(212) 768-3800